

HERITAGE ENVIRONMENTAL SERVICES, LLC



7901 West Morris Street
Indianapolis, IN 46231
Phone: 317/243-0811
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Web Site: www.heritage-enviro.com

VIA CERTIFIED MAIL
RETURN RECEIPT NO.7003 0500 0001 1965 5468

October 7, 2005

Mr. Tom Turner
Associate Regional Counsel
U.S. EPA – Region V
Office of Regional Counsel (C-14J)
77 W. Jackson Boulevard
Chicago, Illinois 60604

EPA Region 5 Records Ctr.



285109

Re: RRG/Clayton Chemical Site (soil removal)

Dear Mr. Turner:

This letter is in response to a General Notice of Potential Liability dated September 27, 2005 from Linda Nachowicz, Chief – Emergency Response Branch concerning the RRG Clayton Chemical site (copy attached). Heritage Environmental Services, LLC (formerly ILWD, Inc.) shipped less than 25,000 gallons to the RRG/Clayton Chemical site. Therefore, Heritage qualifies for participation as a Non-Performing Member.

Heritage intends to cooperate and participate in the resolution of this situation. Please note that Heritage has submitted a signed Participation Agreement and a signed EPA Administrative Settlement Agreement to Dickinson Wright, PLLC. In addition, Heritage has submitted a check for \$10,000 for our settlement share of the Shared-Costs Fund as a Non-Performing Member.

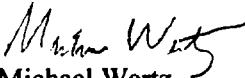
Thank you for your review of this information. Please direct future correspondence to:

Mr. Gary Lindgren
Vice President
Heritage Environmental Services, LLC
7901 West Morris Street
Indianapolis, Indiana 46231
(317) 390-3132

If you have any questions or need additional information, please contact me at (317) 486-2778.

Yours truly,

HERITAGE ENVIRONMENTAL SERVICES, LLC


Michael Wertz
Program Manager





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGIONS 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

September 27, 2005

REPLY TO THE ATTENTION OF:

VIA FEDERAL EXPRESS

RETURN RECEIPT REQUESTED

**RRG Clayton Chemical Site (soil
removal)**

Kenneth Price, President
Heritage Environmental Services Inc.
7901 West Morris Street
Indianapolis, IN 46231

RE: Clayton Chemical Site General Notice of Potential Liability
letter.

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threatened release of hazardous substances, pollutants and contaminants at the above referenced Site, and is planning to spend public funds to control and investigate these releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601 et seq., (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, stat. 1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party. Responsible parties under CERCLA include the current and former owners and operators, and persons who generated the hazardous substances or were involved in transport, treatment, or disposal of them at the Site. Under Section 107(a) of CERCLA, where the Agency uses public funds to achieve the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the Site, including investigation, planning and enforcement.

The U.S. EPA is currently planning to conduct the following actions at the above referenced Site:

1. Develop and implement a site health and safety plan;
2. Provide security for the site;
3. Sample, characterize, and consolidate for removal and disposal

all contaminated soils found on-site, all solids found in tanks (a.k.a. tank bottoms) and any other hazardous waste solid material found on-site;

4. Transport and dispose of all characterized hazardous substances, pollutants, wastes, or contaminants at a RCRA approved disposal facility in accordance with the U.S. EPA Off-Site Rule, 40 CFR 300.440.

5. Backfill the excavated site areas with clean material and topsoil. Restore and vegetate excavated areas to prevent soil erosion.

U.S. EPA has received information that you may be a potentially responsible party (PRP) at this Site. The information used by U.S. EPA in part to make this determination was provided by the group of PRPs that conducted the initial liquids removal action at this Site. The report used by U. S. EPA titled "The RRG/Clayton Liquids Removal, Investigation Report" included a volumetric ranking of PRPs that may have sent liquids, solids and or other material to be processed at the Site. Based on U.S. EPA's review and analysis of the volumetric ranking in that report; the Agency has initially notified all PRPs that sent or contributed 75,000 gallons or more to the Site that they are PRPs. This group consists of 72 of the approximate 2,800 PRPs that sent material to this Site to be processed. However, U.S. EPA calculations indicate that the initial group of 72 PRPs contributed over 72% of the wastes processed at the Site.

The Agency's decision to initially only notice the 72 largest PRPs at this Site is based on a number of factors. First, U. S. EPA wants to begin a removal action at this Site as soon as possible and having a limited number of PRPs in the group will make this possible. Second, EPA believes that having the small initial group of 72 PRPs will make it easier for them to come to agreement and decisions on the many actions that need to be made during the course of the Site clean up. Finally, U. S. EPA plans to notice additional PRPs identified in the aforementioned report.

The initial group of 72 PRPs were issued a General Notice of Liability letter by the Agency in November of 2004. A list of the 72 PRPs that were previously notified by the Agency is attached for your information and review. Based on our discussions with the group of 72 PRPs and further analysis of the volumetric ranking EPA has decided to send additional General Notice of Liability letters to all PRPs that were identified as contributing 10,000 gallons to 74,999 gallons of waste to the Site.

You are receiving this notice because the Agency further analyzed

the volumetric ranking and found that you or your company contributed 10,000 to 74,999 gallons of waste to the Site.

By this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a PRP, to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities that U.S. EPA has determined or will determine are required at the Site.

As a potentially responsible party, you should notify U.S. EPA in writing within ten (10) days after receipt of this letter, regarding your willingness to perform or finance the activities described above. If U.S. EPA does not receive a timely response, U.S. EPA will assume that you or your organization does not wish to negotiate a resolution of its potential responsibility in connection with the Site and that you or your organization has declined any involvement in performing the response activities.

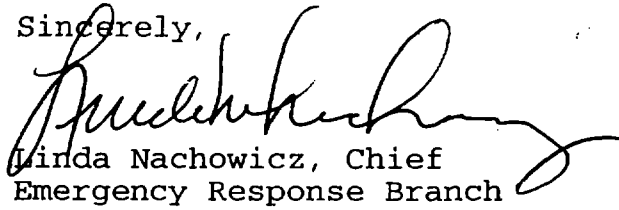
Your letter should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with state or local authorities, engaged in voluntary cleanup action or involved in a lawsuit regarding this Site, you should continue such activities as you see fit. This letter is not intended to advise you or direct you to restrict or discontinue any such activities; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions. Your response should be sent to:

Tom Turner
Associate Regional Counsel
U.S. EPA - Region V
Office of Regional Counsel (C-14J)
77 W. Jackson Boulevard
Chicago, Illinois 60604

If you need further information regarding this letter, you may contact Tom Turner of the Office of Regional Counsel at, (312) 886-6613.

Due to the nature of the problem at this site and the attendant legal ramifications, U.S. EPA strongly encourages you to submit a written response within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely,

A handwritten signature in black ink, appearing to read 'Linda Nachowicz', written over the typed name and title.

Linda Nachowicz, Chief
Emergency Response Branch

Attachment: A-General Notice 75,000 gallon PRP list.

B-General Notice 10,000 gallon PRP list.